



**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, December 10, 2002, 8:00 p.m.**

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**MEETING**

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Boy Scout Brett Long of Troop 805.

**ROLL CALL**

Present: COUNCIL MEMBERS Hilson,  
Rodriquez, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: COUNCIL MEMBER Jimenez

**PRESENTATION:** Business Recognition Award

The Business Recognition Award for the month of December was presented to California based shopping center development company Browman Development Corporation, Inc. (BDC) Since 1989, it has completed the development of over 20 neighborhood shopping centers with approximately 1,400,000 square feet of space. BDC has developed centers at both A and Mission and B and Watkins, a handsome retail center to complement Albertson's and the downtown area, as well as Mission Plaza, centers that now employ more than 300 people, and, all of the completed centers are 100% leased. Darryll Browman accepted the award and thanked the Council for the recognition and commended staff for their excellent relationship with businesses in the area.

**PUBLIC COMMENTS**

Jason Moreno commented on city services such as police services and street repairs. He showed photos of streets in the Highland neighborhood.

Barbara Swarr commented that her mother resides in the last remaining house on Site 4. She commented on the property taxes that are paid into the Redevelopment Agency fund. She suggested maintaining properties within the general fund.

Frank Goulart commented on the excellent historic tour sponsored by the Historical Society.

Suzanne Cox urged Council to institute an anti-vagrancy law.

**CONSENT**

Items 2 and 4 were removed for further discussion.

1. Approval of Minutes of the City Council Meeting of November 26, 2002

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It was moved by Council Member Henson, seconded by Council Member Ward, and carried, with Council Member Jimenez absent, to approve the minutes of the City Council Meeting of November 26, 2002.

## 2. Adoption of Community Preservation Ordinance

Staff report submitted by City Clerk Reyes, dated December 10, 2002, was filed.

Suzanne Cox spoke in opposition to denying homeowners the right to compost and hang out laundry. She said these are her rights as a homeowner. She commented that it's important to use renewable resources in light of the recent energy crisis. One of the first things she did was to hang her laundry out of doors. She commented that it's a life-style choice and very important to their family.

Council Member Ward asked staff to elaborate on the hanging of laundry outdoors.

City Manager Armas expressed that the Council's concern was to balance recycling and the issue of blight within the City with respect to hanging clothes. He noted that the Ordinance would apply to hanging laundry in the front of a home seen by someone walking along a sidewalk or driving in the street. He explained that if a clothesline is in the rear yard and not visible from a street, it is not an issue in which the City of Hayward will be involved. He noted that even if the property next door were to be a two-story structure and that person could see the laundry, it still would not involve the City. He added that he would send Ms. Cox a copy of that part of the ordinance, in order to assure her of the intent.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried, with Council Member Jimenez absent, to adopt the following:

Ordinance 02-21, "Ordinance Repealing Article 7 of Chapter 5 of the Hayward Municipal Code and Enacting a New Ordinance for Community Preservation and Improvement"

## 3. Adoption of a Resolution Accepting the Report and Adopting Findings Related to Fees Collected for Development Projects That are Subject to the Requirements of the Mitigation Fee Act

Staff report submitted by Budget Administrator Rohrer, dated December 10, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried, with Council Member Jimenez absent, to adopt the following:



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Resolution 02-173, "Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

**4. Measure U Election Canvass**

Staff report submitted by City Clerk Reyes, dated December 10, 2002, was filed.

Earline D. Crosswhite commented on a previous measure, Measure L, and about her husband, Thurman Crosswhite Jr., who was one of those backing the measure years ago. She endorsed Frank Goulart's suggestion to make one-way streets in the downtown. She said that making both Foothill and Mission one-way streets could save money, rather than building a new by-pass downtown.

It was moved by Council Member Hilson, seconded by Council Member Rodriquez, and carried, with Council Member Jimenez absent, to adopt the following:

Resolution 02-177, "Resolution Acknowledging Receipt of Canvass for Measure U of the Special Municipal Election Held November 5, 2002, and Declaring the Results Thereof"

Ordinance ME 2002-01, "Ordinance of the City of Hayward Amending the City's General Plan to Enable the Hayward City Council to Pursue Implementation of a Transportation Project Which Qualifies for Funding From the Measure B and Other Sources"

**5. Adoption of Salary and Benefits Resolution for Unrepresented Management Employees**

Staff report submitted by City Manager Armas and by Human Services Director Perrin-Scales, Relating to the Salaries and Benefits for Unrepresented Management Employees, and Approving Supplemental Payment to Miscellaneous Bargaining Units employees, dated December 10, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried, with Council Member Jimenez absent, to adopt the following:

Resolution 02-174, "Resolution Adopting a Revised Policy Pertaining to the Salaries and Benefits Resolution for the

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Unrepresented Management Group”

Resolution 02-175, “Resolution Approving Supplemental Payment to Miscellaneous Bargaining Unit Employees”

6. Adoption of Salary and Benefits Resolution for City Manager

Staff report submitted by Human Resources Director Perrin-Scales, dated December 10, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried, with Council Member Jimenez absent, to adopt the following:

Resolution 02-176, “A Resolution of the City Council of the City of Hayward Relating to the Salaries and Benefits of the City Manager”

**HEARINGS**

7. Issuance of California Statewide Communities Development Authority (CSCDA) Insured Health Facility Revenue Bonds for the Tiburcio Vasquez Health Center, Inc. Project

Staff report submitted by Housing Development Specialist Stark, dated December 10, 2002, was filed.

Community and Economic Development Director Ehrenthal commented that this loan would be insured by the State of California. She reviewed the history of the rehabilitation plans for the Center and the decision to raze the present structure and build a new building at this same location. She noted that staff had approved the new plans, which were substantially the same as those for the rehabilitation of the old building, which negated the need for a site-plan review. She noted that, with the new building, the Center would be able to expand their services in the future. She noted the cost of the project and the financing for it, the majority of which will be a tax-exempt, insured health facility revenue bond, issued by the Joint Powers Authority. The City of Hayward’s part will be to conduct this hearing. The City will not be legally responsible for issuing the bonds, insuring the project, nor repayment. She noted that Laura Melendez, President of the Board, Joel Garcia, Executive Director of Tiburcio Vasquez, Mike Lapier from the California Statewide Communities Development Authority, as well as City Planning staff were present and available to respond to questions about the project.

Council Member Henson commented on the previously approved project and noted the improvement from the previous plans. He asked about signage (a sign program will be proposed in compliance with the City’s sign ordinance.) He then asked Mr. Lapier to clarify further the funding and bond authority.



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Mike Lapier said that the CSCDA is a joint powers authority, sponsored by the League of California Cities and the California State Association of Counties. He noted that the City does not incur any liability whatsoever. He said they are strictly a conduit issuer.

Council Member Hilson said he understood the loan pay-off, but was interested in whether Tiburcio had already collected any grants or donations towards the rest of the loan.

Mr. Garcia responded that, at this point, his staff has received and collected a \$250,000 grant from the California Health Facilities Financing Administration, the County of Alameda has provided \$362,000, the Valley Foundation \$100,000 and their own efforts at fundraising supplied \$50,000. He noted also that these funds have been acquired within the past year to year-and-a-half. Before that, they set aside a fund to initiate the activity that has taken place thus far.

Council Member Hilson asked for the source of funds to pay the major loan.

Mr. Garcia said there is a patchwork of revenue streams that include charging third party payers, both public and private, managing care contracts with a variety of insurers, accepting grants and contracts from federal, state and county levels as well as charging patient fees.

Council Member Hilson described the revised elevation as a better design than the remodeling project. However, he noted that there are some things that could be done with the upper roofline and suggested carrying the center tower up. He suggested that it would take little additional work to make it a great design. He thought it could be done without too much added expense.

Council Member Ward asked about the building currently occupied on West A Street.

Mr. Garcia explained that it is a leased building, they will continue to be there for another few years, which is not a medical clinic and has only limited services to address teen pregnancies and mental services. This will enable them to expand their child-development component.

Council Member Ward asked for further explanation on the resource funding and whether money from this JPA could be used for other types of activities, and if so, what?

Mr. Lapier explained that yes, his firm issues conduit bonds primarily for private activity, which would qualify as manufacturers 501-c3 non-profits, such as this. He noted that the authority also does a fair-amount of low-income multi-family housing issuance throughout the State. He added that they were set up by the League and CESAC primarily to assist, and take the burden off local government, and promote economic development, while taking the burden of funding and staffing off local governments. He commented that they are not an entity of the State of California.

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Council Member Ward asked whether there might be further opportunities for the City to utilize this type of funding for affordable housing.

City Manager Armas explained that cities and counties might have more options available than this.

Council Member Rodriquez expressed concerns on the presentation of another project on the site of a previously approved project from last April. She asked what would occur if the building is not constructed.

Community and Economic Development Director Ehrental responded that there is an insurance policy associated with the project that could be called upon to complete the structure, get it sold and at least get the bonds repaid. She reminded members, once again, that the City is not the issuing body. She noted that the documentation provides assurance to the bondholders that they will be able to get their money out of the project.

Council Member Dowling asked Mr. Garcia about the LA County health care crisis and clinics closing in that area and the impacts of that crisis in this area.

Mr. Garcia responded that unlike Los Angeles, the non-profit community in this area enjoys a very unique and very strong partnership with the County. The clinics that closed in Los Angeles were all County clinics, none were non-profits. He added that, as a result, the burden on the non-profits has increased since they are the safety net. The financial situation between the two counties is different as well. He assured members also that the need for non-profit health services is only going to grow.

As there were no requests to speak, Mayor Cooper opened and closed the public hearing at 8:48 p.m.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried, with Council Member Jimenez absent, to adopt the following:

Resolution 02-178, "Resolution of the City Council of the City of Hayward approving the Issuance of the California Statewide Communities Development Authority Insured Health Facility Revenue Bonds (Tiburcio Vasquez Health Center, Inc. Project) 2003 Series A, in an Aggregate Principal Amount not to Exceed \$6,400,000 for the Purpose of Financing the Acquisition, Construction, Improvement and Equipping of Facilities of Tiburcio Vasquez Health Center, Inc. and Certain Other Matters Relating Thereto"

## **LEGISLATIVE BUSINESS**



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**8. Authorization to Submit Funding Request to the Alameda County Transportation Authority for Preparation of a Project Study Report for the Route 238 Alternative Project**

Staff report submitted by City Manager Armas, dated December 10, 2002, was filed.

City Manager Armas asked Council to authorize staff to take a number of steps to solve the transportation problems in the area. He said this is the beginning of a process to fund a detailed project study report. He noted that the City of Hayward had approached Caltrans about their receptivity to un-designate the state highways in the area to allow local standards to be met. The administration seems open to this approach but agree it will take State Legislation in order to do so.

Staff has suggested an ad hoc, seven-member working group, to consist of many of the interested parties and groups who have long been engaged in this process, including the Chamber of Commerce, Calstate, Hayward, HASPA, and CATS, among others.

Council Member Henson asked about the project study report and the estimated cost \$1.5 million. He asked whether there is a separate pool of money for that or does it come from the Alameda County funding source.

City Manager Armas agreed that it comes from the ACTA funds.

Council Member Henson then asked whether, based on Measure U, the City would have the authority to look at other projects. He wondered whether after obtaining funding for this, would the City continue to look at other alternatives.

City Manager Armas explained that it is fair to say that this alternative was the result of a winnowing process. He suggested that any substantively different alternatives are unlikely at this point.

Council Member Henson said he was suggesting that, since this alternative is sort of the crux of the matter, anything that might come out of this that might be different, would be considered a derivative of it.

Council Member Dowling asked about Council input on this project. He said he definitely supports creating a working group. He then suggested that, similar to the General Plan Amendments, Council have joint meetings with this working group. Staff agreed that this makes sense. He then asked about the legislation, which would allow Cities to have more say in the right-of-way properties. He thought the City of Hayward should be more pro-active on that measure.

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City Manager Armas suggested that it might be premature to reintroduce that legislation, particularly given the fiscal environment in Sacramento. He said there was concern regarding the fiscal impact to the State. He suggested looking at Legislation as a subsequent phase.

Council Member Rodriquez said she had received interested citizens input and asked about having representatives from the League of Women Voters.

City Manager Armas noted that the make-up of the membership is up to the City Council, but added that those groups suggested had previously served on a similar panel.

Council Member Ward asked how staff came to recommend seven as the membership number.

City Manager Armas emphasized that this was merely a listing of organizations, which staff believed add value to the process. He said the number was a recognition that this is going to be a long process and take a lot of work with many complications. So a manageable number was important.

Council Member Ward asked whether Council Members were appointing individuals, or representatives of a particular organization. He noted that organizations were identified on the list as opposed to residents who are not particularly affiliated with any organization.

City Manager Armas emphasized that it was completely within the Council's determination, however, the consensus group suggested that each organization actually select an alternate. The intention was to have the alternate be available at any time, if needed to insure continuity. The list of organizations was not meant to preclude having individual citizens serve.

Council Member Ward asked about the housing replacement funds and what happens to that money.

City Manager Armas noted that the Council would need to discuss that allocation as well as others set aside as part of mitigation for the project. He added that this topic would also need to come back at a future date for Council discussion and direction. He noted that the 300-acre Rte. 238 by-pass corridor also represents an opportunity to the City of acreage for open space or new development. The consensus group estimated that the cost of the project would approach approximately \$150 million. Therefore, staff is taking any discussions about development of the project in a series of steps.

Mayor Cooper opened the public hearing at 9:07 p.m.

John Kyle who wrote the ballot argument against Measure U, asked about the amount of money saved by the Measure "B" money.

City Manager Armas gave an overview of the reasons for various amounts of funding cited in the



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media.

Joseph Oberman said his concern was that membership of the committee looks like anti-bypass representatives and expressed concern for representing those in favor of the bypass. He did not think this was representative of all groups, particularly those who supported the by-pass.

Council Member Henson emphasized that the Council will have a choice of members of the committee. Staff merely made suggestions.

Frank Goulart said he read in a book about the one-way couplet, which he agrees might be a decent alternative for the City of Hayward, and suggested it be added to the review. He showed a map with the "loop" depicted and displayed a suggested four-lane one direction and a frontage road for the street businesses. He encouraged a study of this alternative.

Mayor Cooper closed the public hearing at 9:18 p.m.

Council Member Dowling thanked the City Manager and Mayor for moving us forward. He said he was skeptical about the working group and suggested a book to staff entitled, Taming Urban Highways.

Council Member Ward added that he was supporting the motion but had a concern regarding the financial implication associated with maintenance and activities of those state roads.

City Manager Armas emphasized that were these roads to be turned over to the City, they must be brought up to acceptable standards.

Council Member Hilson commented on the configuration under consideration and how it would change the downtown business area. He commented on a master plan that will orient the businesses. It will be a dramatic change, more than superficial, for the better, as well as establish relationships between businesses.

Council Member Rodriquez commented on the selection of the seven members of the committee. She said the focus must be on anticipating changes and how to adjust to them.

Council Member Ward asked to whom the consultant would report.

City Manager Armas said they would report to staff, as with any consultant who is hired by the City. He added that the Citizen's Committee did a lot of the work on Rt. 880-92, and then the public had opportunity to input into the process. He said that since some of the property would need to be acquired so communication would be necessary with these owners as well.

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It was moved by Council Member Hilson, seconded by Council Member Dowling, and carried, with Council Member Jimenez absent, to authorize the City Manager to submit a funding request to the Alameda County Transportation Authority and work with State representatives to initiate legislation necessary; and establish a Working Group to assist in the Project Study Report process.

## **COUNCIL REPORTS**

Council Member Dowling thanked Jo Casenave of Congressman Pete Stark's office as well as City Manager Armas for successfully advocating for the re-opening of the main Santa Clara post office lobby on Sundays.

Council Member Hilson reported on the National League of Cities meeting in Salt Lake City. He said the leadership has been hard at work on the homeland security issue. These members have tried to convince the federal government that money needs to be provided for the first responders, who are local governments.

Mayor Cooper added her own brief report saying that many of the problems facing Hayward are pretty much the same throughout the country. She noted that hometown safety is first on everyone's minds. She emphasized that, as this country is preparing for war with Iraq, oil prices will increase and very little funding will be available for local issues. We owe our own staff a debt of gratitude for being so prudent fiscally.

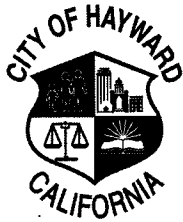
Council Member Ward said all the Council Members attempted to attend different workshops. He said an informative one was on after school programs. With that information he said he could offer some ideas that he came away with.

Council Member Rodriquez discussed another interesting workshop on immigrants and how to go about reaching out to them. One city-formed commission for immigration needs, sounded like a possible idea and worth exploring.

Council Member Henson said each member tried to draw some thing new from the various seminars. He looked at a lot of public safety technology. He said he visited the Salt Lake City Police Department adding that they do have similar problems such as gangs. He then commented on Metropolitan Medical Response Service (MMRS), and the funding coming this week. He suggested that if MMRS has been applied for, Hayward could also be receiving some of this funding.

City Manager Armas said some of the countdown features for street crossings would be included in the next budget.

## **ADJOURNMENT**



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Mayor Cooper adjourned the meeting at 9:47 p.m.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward

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